

Senate Bill No. 1659

CHAPTER 751

An act to add Section 13207 to, and to repeal Chapter 12 (commencing with Section 13200) of Division 5 of, the Business and Professions Code, and to amend Sections 597v and 597y of, to amend and repeal Section 597z of, and to amend, repeal, and add Section 597u of, the Penal Code, relating to animal euthanasia.

[Approved by Governor September 22, 1998. Filed
with Secretary of State September 23, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1659, Kopp. Animal euthanasia.

Existing law regulating animal euthanasia prohibits the use of carbon monoxide gas to kill any dog or cat unless certain conditions are met. Existing law prohibits the killing of any dog or cat by the use of any high-altitude decompression chamber or nitrogen gas. A violation of these prohibitions is a crime punishable as a misdemeanor.

This bill would repeal the limited prohibition against the use of carbon monoxide to kill any dog or cat operative January 1, 2000, and, instead, would prohibit, on and after January 1, 2000, without limitation, the use of carbon monoxide gas to kill any animal. This bill would make additional conforming changes.

Because this bill would make any use of carbon monoxide gas to kill animals a crime, it would create a state-mandated local program by expanding the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature that the State Veterinary Medical Board shall consider the needs of small and rural counties when developing any regulations necessary to implement this act.

SEC. 2. Section 13207 is added to the Business and Professions Code, to read:

13207. This chapter shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 3. Section 597u of the Penal Code is amended to read:

597u. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any dog or cat by the use of carbon monoxide gas unless all of the following are satisfied:

(a) The carbon monoxide gas chamber is equipped with internal lighting and viewport providing direct visual surveillance of the collapse and death of any dog or cat within the chamber.

(b) The gas generation process is adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least 5 percent within 20 minutes after any dog or cat is placed in the chamber.

(c) If chemical generation through the use of sodium formate and sulfuric acid is used, the generated carbon monoxide gas has the irritating acid vapors filtered out by passing it through a 10 percent solution of sodium hydroxide prior to its entry into the carbon monoxide gas chamber.

(d) If carbon monoxide gas generation is by combustion of gasoline in an engine, all of the following shall be satisfied:

(1) The engine is maintained in good operating condition.

(2) The engine is operated only at idling speed with the richest fuel-air mixture the choke permits.

(3) Prior to entry into the chamber, the exhaust gas is cooled so that it does not exceed 125° Fahrenheit.

(4) The chamber is equipped with accurate temperature gauges monitored by attendants to assure that internal temperature of the chamber does not exceed 110° Fahrenheit.

(5) Prior to its entry into the lethal chamber the exhaust gas is first passed through an adequate water filtration process and subsequently through a cloth filtration process to remove irritants and carbon particles.

(6) The noise level from the engine shall not exceed 70 dBA when measured within the chamber.

(7) A flexible tubing or pipe at least 24 inches in length shall be placed between the chamber and the engine to minimize vibrations.

(e) Any dog or cat not covered by Section 597v is placed in an individual container or compartment of the carbon monoxide chamber, except dogs or cats from the same litter and their parents may be placed in the same container or compartment.

(f) The carbon monoxide gas chamber and its compartments shall be cleaned thoroughly after every cycle of operation.

(g) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 4. Section 597u is added to the Penal Code, to read:

597u. (a) No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any animal by the use of carbon monoxide gas.

(b) This section shall become operative on January 1, 2000.

SEC. 5. Section 597v of the Penal Code is amended to read:

597v. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any newborn dog or cat whose eyes have not yet opened by any other method than by the use of chloroform vapor or by inoculation of barbiturates.

SEC. 6. Section 597y of the Penal Code is amended to read:

597y. A violation of Section 597u, 597v, or 597w is a misdemeanor.

SEC. 7. Section 597z of the Penal Code is amended to read:

597z. (a) A humane officer appointed under Section 14502 of the Corporations Code or the State Sealer may enter any facility utilizing a carbon monoxide gas chamber for the purpose of inspecting the operation of the facility to determine whether there is compliance with Section 597u.

(b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

